

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

**THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 10, 2010**

House of Representatives

The House convened at 11 a.m., Mr. Moyle in the Chair.

Roll call showed 68 members present.

Absent and excused – Boyle, Labrador. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Mary Anne Davis,
Page.

Approval of Journal

February 10, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have read and approved the
House Journal of the Thirtieth Legislative Day and recommend
that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by
Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 9, 2010

Mr. Speaker:

I transmit herewith [S 1267](#), [SCR 113](#), and [S 1287](#) which have
passed the Senate.

WOOD, Secretary

[S 1267](#), [SCR 113](#), and [S 1287](#) were filed for first reading.

February 9, 2010

Mr. Speaker:

I return herewith [H 418](#) which has passed the Senate.

WOOD, Secretary

[H 418](#) was referred to the Judiciary, Rules, and
Administration Committee for enrolling.

Report of Standing Committees

February 10, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have printed [HCR 39](#),
[H 493](#), [H 494](#), [H 495](#), [H 496](#), and [H 497](#).

CLARK, Chairman

[HCR 39](#), [H 494](#), and [H 495](#) were referred to the Health and
Welfare Committee.

[H 493](#) was referred to the Education Committee.

[H 496](#) and [H 497](#) were referred to the State Affairs
Committee.

February 10, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have enrolled [H 379](#).

CLARK, Chairman

The Speaker Pro Tem announced the Speaker was about to
sign enrolled [H 379](#) and, when so signed, ordered it transmitted
to the Senate for the signature of the President.

February 9, 2010

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND
CONSERVATION, report that we have had under consideration
[H 408](#), [H 409](#), [H 410](#), and [H 411](#) and recommend that they do
pass.

STEVENSON, Chairman

[H 408](#), [H 409](#), [H 410](#), and [H 411](#) were filed for second
reading.

February 10, 2010

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION,
report that we have had under consideration [H 471](#) and [H 472](#) and
recommend that they do pass.

LAKE, Chairman

[H 471](#) and [H 472](#) were filed for second reading.

There being no objection, the House advanced to the Seventh
Order of Business.

Motions, Memorials, and Resolutions

[SCR 113](#), by McGee, was introduced, read the first time by
title, and referred to the Health and Welfare Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 498 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO THE UNIFORM POST-CONVICTION
PROCEDURE ACT; AMENDING SECTION 19-2719, IDAHO
CODE, TO PROVIDE A CORRECT CODE REFERENCE;
AMENDING SECTION 19-4901, IDAHO CODE, TO
PROVIDE A CORRECT CODE REFERENCE; AND
AMENDING SECTION 19-4902, IDAHO CODE, TO REVISE
PROVISIONS RELATING TO A PETITION FOR THE
PERFORMANCE OF CERTAIN FINGERPRINT OR DNA
TESTING AND TO PROVIDE THAT PETITIONER MAY
CHOOSE CERTAIN DNA TESTING LABORATORIES TO
PERFORM DNA TESTING AND THAT SUCH TESTING
SHALL BE AT PETITIONER'S EXPENSE.

HOUSE BILL NO. 499
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO PATERNITY; AMENDING SECTION 7-1107, IDAHO CODE, TO PROVIDE THAT PATERNITY PROCEEDINGS MAY BE INSTITUTED AT ANY TIME; AMENDING SECTION 16-1501A, IDAHO CODE, TO PROVIDE FINDINGS, TO REVISE FINDINGS, TO REVISE PROVISIONS RELATING TO CONSTITUTIONAL PROTECTIONS AS THEY RELATE TO UNMARRIED BIOLOGICAL FATHERS, TO PROVIDE THAT UNMARRIED BIOLOGICAL FATHERS HAVE CERTAIN RESPONSIBILITIES, TO REVISE PROVISIONS RELATING TO THE RIGHT OF PRIVACY OF UNMARRIED MOTHERS, TO PROVIDE THAT CERTAIN DISCLOSURES SHALL BE REQUIRED OF UNMARRIED MOTHERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THOSE THAT ARE REQUIRED TO PROVIDE CONSENT TO ADOPTION, TO REVISE PROVISIONS RELATING TO THE MANIFESTATIONS OF FULL COMMITMENT TO PARENTAL RESPONSIBILITIES BY UNMARRIED BIOLOGICAL FATHERS OF CHILDREN UNDER THE AGE OF SIX MONTHS AT THE TIME OF PLACEMENT WITH ADOPTIVE PARENTS, TO PROVIDE FOR CERTAIN AFFIDAVITS BY UNMARRIED MOTHERS, TO PROHIBIT CHILDREN FROM BEING PLACED FOR ADOPTION OUTSIDE THE STATE PRIOR TO TERMINATION OF PARENTAL RIGHTS OF THE BIOLOGICAL PARENTS, TO REVISE REQUIREMENTS THAT MUST BE MET PRIOR TO AN UNMARRIED BIOLOGICAL FATHER CONTESTING AN ADOPTION, TO PROVIDE THAT IN CERTAIN INSTANCES INTERSTATE COMPACTS FOR THE PLACEMENT OF CHILDREN SHALL BE RESCINDED AND THE CHILD RETURNED AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-1505, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SERVICE OF NOTICES OF ADOPTION, TO DELETE REFERENCE TO AN UNMARRIED BIOLOGICAL FATHER BEING DEEMED TO BE ON NOTICE THAT A PREGNANCY AND ADOPTION PROCEEDING MAY OCCUR AND OF CERTAIN ASSOCIATED DUTIES, TO PROVIDE FOR ACTUAL NOTICE OF A BIRTH AND TO PROVIDE FOR NOTICE OF INTENDED ADOPTION PROCEEDINGS, TO PROVIDE FOR THE FILING OF REGISTRATION OF NOTICE OF COMMENCEMENT OF PATERNITY FORM, TO PROVIDE FOR COMPLAINTS OF PATERNITY AND CUSTODY, TO PROVIDE FOR AFFIDAVITS OF COMMITMENT, TO PROVIDE FOR A SEARCH FOR AN UNMARRIED BIOLOGICAL FATHER, TO PROVIDE THAT IN THE EVENT AN UNMARRIED BIOLOGICAL FATHER'S LOCATION REMAINS UNKNOWN THAT THE ADOPTION ENTITY REQUEST IN THE PETITION FOR TERMINATION OF PARENTAL RIGHTS THAT THE COURT MAKE CERTAIN DECLARATIONS AND TO PROVIDE THAT NOTICE SHALL NOT BE REQUIRED IN THE EVENT AN UNMARRIED BIOLOGICAL FATHER SIGNS A CONSENT OR AFFIDAVIT OF NONPATERNITY; AMENDING SECTION 16-1513, IDAHO CODE, TO PROVIDE FOR THE PUTATIVE FATHER REGISTRY, TO PROVIDE THAT THERE ARE ALTERNATE WAYS IN WHICH A FATHER MAY CLAIM RIGHTS TO HIS PATERNITY, TO PROVIDE FOR THE COMPLETION OF NOTICE OF COMMENCEMENT OF PATERNITY PROCEEDINGS

ONLINE, TO REVISE PROVISIONS RELATING TO FILING REQUIREMENTS FOR NOTICES OF COMMENCEMENT OF PATERNITY PROCEEDINGS, TO REVISE PROVISIONS RELATING TO WAIVERS AND ABANDONMENT RELATING TO FILING AND REGISTERING NOTICES OF COMMENCEMENT OF PATERNITY PROCEEDINGS, TO PROVIDE THAT A GOOD FAITH EFFORT BY AN UNMARRIED BIOLOGICAL FATHER SHALL BE DEEMED TO CONSTITUTE COMPLIANCE WITH REQUIREMENTS AND TO PROVIDE THAT FAILURE OF AN UNMARRIED BIOLOGICAL FATHER TO PERFORM REQUIREMENTS SHALL BE DEEMED WAIVED IF RESULTING FROM CERTAIN CONDUCT OR MISREPRESENTATIONS OF OTHERS.

HOUSE BILL NO. 500
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT

RELATING TO JURISDICTION IN INDIAN COUNTRY; AMENDING SECTION 19-5101, IDAHO CODE, TO REVISE A DEFINITION; AMENDING CHAPTER 51, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5104, IDAHO CODE, TO PROVIDE FOR STATE AND INDIAN TRIBAL COOPERATIVE LAW ENFORCEMENT.

HOUSE BILL NO. 501
BY BUSINESS COMMITTEE
AN ACT

RELATING TO LOCAL GOVERNMENT; REPEALING SECTION 50-606, IDAHO CODE, RELATING TO POLICE POWERS OF MAYOR; AMENDING SECTION 54-1001B, IDAHO CODE, TO PROVIDE THAT CERTAIN INSPECTION PROVISIONS ARE INAPPLICABLE WHEN INSTALLATIONS ARE COVERED BY LOCAL GOVERNMENT ORDINANCES; AMENDING SECTION 54-1001C, IDAHO CODE, TO PROVIDE FOR CERTAIN INSPECTIONS WITHIN ANY LOCAL GOVERNMENT AND TO PROVIDE FOR CERTAIN COSTS; AMENDING SECTION 54-1003A, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1005, IDAHO CODE, TO PROVIDE THAT NO PROVISION OF THIS CHAPTER SHALL PRECLUDE LOCAL GOVERNMENTS FROM COLLECTING CERTAIN FEES; AMENDING SECTION 54-1019, IDAHO CODE, TO PROVIDE THAT CERTAIN INSPECTORS EMPLOYED BY LOCAL GOVERNMENTS ELECTING TO CLAIM CERTAIN EXEMPTIONS MUST POSSESS CERTAIN QUALIFICATIONS; AMENDING SECTION 54-2601, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION TO THE APPLICATION OF LAWS; AMENDING SECTION 54-2619, IDAHO CODE, TO PROVIDE THAT NO PROVISIONS OF THIS ACT SHALL DEPRIVE LOCAL GOVERNMENTS FROM COLLECTION OF CERTAIN FEES, TO PROVIDE THAT NO LOCAL GOVERNMENT SHALL REQUIRE CERTAIN OCCUPATIONAL LICENSE FEES AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-2620, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO LOCAL GOVERNMENTS AND REQUIREMENTS FOR PERMITS AND TO PROVIDE PROVISIONS RELATING TO CERTAIN EXCEPTIONS; AND AMENDING SECTION 54-2627, IDAHO CODE, TO PROVIDE THAT CERTAIN INSPECTORS POSSESS CERTAIN REQUIREMENTS.

HOUSE BILL NO. 502
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE MODULAR BUILDING ADVISORY BOARD; AMENDING SECTION 39-4302, IDAHO CODE, TO PROVIDE FOR AN HONORARIUM.

HOUSE BILL NO. 503
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE DIVISION OF BUILDING SAFETY AND EXAMINATION FEES; AMENDING SECTION 67-2601A, IDAHO CODE, TO PROVIDE FOR A FEE.

HOUSE BILL NO. 504
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE UNIFORM SCHOOL BUILDING SAFETY ACT; AMENDING SECTION 39-8005, IDAHO CODE, TO REVISE MEMBERSHIP OF THE IDAHO UNIFORM SCHOOL BUILDING SAFETY CODE COMMITTEE; AMENDING SECTION 39-8007, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN POWERS AND DUTIES; AMENDING SECTION 39-8008, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DESIGNATING A LICENSED PROFESSIONAL, TO REVISE PROVISIONS RELATING TO AN EVALUATION, TO REVISE LANGUAGE RELATING TO A WRITTEN ORDER OR NOTICE, TO REMOVE LANGUAGE RELATING TO THE DEPARTMENT OF ADMINISTRATION AND TO REVISE LANGUAGE RELATING TO AN IMMINENT SAFETY HAZARD; AND AMENDING SECTION 39-8010, IDAHO CODE, TO REMOVE A REQUIREMENT TO NOTIFY THE DEPARTMENT OF ADMINISTRATION.

HOUSE BILL NO. 505
BY BUSINESS COMMITTEE
AN ACT

RELATING TO SECURITY DEPOSITS IN A LANDLORD-TENANT SITUATION; AMENDING SECTION 6-321, IDAHO CODE, TO PROVIDE FOR INTEREST TO BE PAID ON SECURITY DEPOSITS TO BE PAID TO THE TENANT.

HOUSE BILL NO. 506
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE STATE ATHLETIC COMMISSION; AMENDING SECTION 54-402, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-406, IDAHO CODE, TO PROVIDE THE COMMISSION AUTHORITY TO ESTABLISH CERTAIN FEES, TO PROVIDE ADDITIONAL NATIONALLY RECOGNIZED SANCTIONING ASSOCIATIONS, TO PROVIDE REQUIREMENTS FOR CERTAIN PROMOTERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-408, IDAHO CODE, TO REVISE PROVISIONS RELATING TO BOND OR OTHER SECURITY FILED BY PROMOTERS; AMENDING SECTION 54-410, IDAHO CODE, TO REQUIRE A PAYMENT OF FEES FOR THE ISSUANCE OF A LICENSE OR SANCTIONING PERMIT; AMENDING SECTION 54-411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A STATEMENT AND REPORT OF AN EVENT AND THE PAYMENT OF A TAX TO THE COMMISSION; AMENDING SECTION 54-413,

IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-419, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN INACCURATE STATEMENT AND REPORT OF AN EVENT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-420, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PROHIBITIONS AND PENALTIES.

HOUSE BILL NO. 507
BY BUSINESS COMMITTEE
AN ACT

RELATING TO THE IDAHO CONTRACTOR REGISTRATION ACT; AMENDING SECTION 54-5210, IDAHO CODE, TO REVISE REQUIREMENTS RELATING TO AN APPLICATION FOR REGISTRATION AS A CONTRACTOR; AND AMENDING SECTION 54-5215, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE BOARD'S AUTHORITY TO INVESTIGATE AND DISCIPLINE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 508
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO CRIME VICTIMS COMPENSATION; AMENDING CHAPTER 10, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1026, IDAHO CODE, TO PROVIDE FOR PAYMENTS TO MEDICAL PROVIDERS.

HOUSE BILL NO. 509
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1336A, IDAHO CODE, TO PROVIDE FOR YOUTH EMPLOYMENT AND JOB TRAINING PROGRAMS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 510
BY COMMERCE AND HUMAN RESOURCES
COMMITTEE
AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1318A, IDAHO CODE, TO DEFINE "DECISION"; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1318B, IDAHO CODE, TO DEFINE "DETERMINATION," "REVISED DETERMINATION," "REDETERMINATION" OR "SPECIAL REDETERMINATION"; AMENDING SECTION 72-1346, IDAHO CODE, TO ALLOW THE DIRECTOR TO DETERMINE THE METHOD OF PAYING BENEFITS AND REFUNDS; AMENDING SECTION 72-1349, IDAHO CODE, TO PROVIDE LIMITATIONS OF ACTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 72-1368, IDAHO CODE, TO REVISE APPELLATE PROCEDURE; AMENDING SECTION 72-1369, IDAHO CODE, TO ALLOW THE DIRECTOR OF THE DEPARTMENT OF LABOR TO COMPROMISE OVERPAYMENTS, PENALTIES, INTEREST AND DISQUALIFICATION PERIODS; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 511
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO STATE GOVERNMENT; AMENDING SECTION 67-2319, IDAHO CODE, TO PROVIDE FOR THE IDAHO COUNCIL FOR PURCHASES FROM PEOPLE WITH SEVERE DISABILITIES, TO PROVIDE FOR THE APPOINTMENT OF COUNCIL MEMBERS, TO PROVIDE FOR THE LENGTH OF TERM OF COUNCIL MEMBERS, TO PROVIDE FOR APPOINTMENT TO COUNCIL AS VACANCIES OCCUR, TO PROVIDE THAT MEMBERS SHALL SERVE WITHOUT HONORARIUM AND TO PROVIDE FOR COUNCIL DUTIES AND RESPONSIBILITIES.

HOUSE BILL NO. 512
BY STATE AFFAIRS COMMITTEE
 AN ACT

RELATING TO INCOME TAXATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3089, IDAHO CODE, TO PROVIDE DESIGNATION BY INDIVIDUALS OF INCOME TAX REFUNDS TO THE ELECTION CAMPAIGN FUND AND TO PROVIDE THAT INDIVIDUALS WITH INCOME TAX LIABILITY MAY DESIGNATE TO THE ELECTION CAMPAIGN FUND, TO DEFINE TERMS AND TO PROVIDE ADMINISTRATIVE PROCEDURES FOR USE OF MONEYS IN THE ELECTION CAMPAIGN FUND; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 513
BY REVENUE AND TAXATION COMMITTEE
 AN ACT

RELATING TO TAXES; AMENDING SECTION 63-3622FF, IDAHO CODE, TO DELETE UNNECESSARY VERBIAGE AND TO PROVIDE THAT PURCHASES MADE WITH COUPONS ISSUED UNDER THE FEDERAL FOOD, CONSERVATION, AND ENERGY ACT OF 2008 ARE EXEMPT FROM SPECIFIED TAXES; AND DECLARING AN EMERGENCY

[H 498](#), [H 499](#), [H 500](#), [H 501](#), [H 502](#), [H 503](#), [H 504](#), [H 505](#), [H 506](#), [H 507](#), [H 508](#), [H 509](#), [H 510](#), [H 511](#), [H 512](#), and [H 513](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1267](#) and [S 1287](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 456](#), by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

[S 1294](#), by Finance Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Bedke asked unanimous consent that the bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 11:30 a.m., Thursday, February 11, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 11:20 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk